

RESEARCH PROTECTIONS UPDATE

News and Comment on the Protection of Human Subjects and Animals in Navy Research

Volume 1, Number 8

humanresearch@us.med.navy.mil

November / December 2006

Comment

Navy Secretary Approves New HRPP Instruction

On November 6, Secretary of the Navy Donald C. Winter signed SECNAVINST 3900.39D, which provides ground-breaking new guidance for the Navy's human research protection program (DON HRPP). The instruction supersedes SECNAVINST 3900.39C, in force since 2002.

The Human Research Protection Working Group, led by Capt. Eileen Villasante and Dr. Tim Singer, drafted the new instruction last year as a critical first step in standing up the Navy's new Human Research Protection Program. "Delta" incorporates comments provided by a wide range of Navy officials who reviewed several Working Group drafts.

The scope of the new instruction encompasses "all biomedical and social-behavioral research involving human subjects conducted by Navy and Marine Corps activities or personnel, involving naval military personnel and DON employees as research subjects, or supported by naval activities..."

The most significant change is the assignment of the Surgeon General (SG) of the Navy as the single point of authority for policy development, oversight, compliance, and monitoring of human research protections in the DON. Under

"Charlie," that role was carried out by the Assistant Secretary of the Navy for Research, Development, and Acquisition (ASN(RDA)).

The Chief of Naval Research provides support and expertise to the SG regarding human subject research at operational and training commands, the Systems Commands, and Navy-supported extramural institutions.

The new SECNAVINST recognizes that "human subject research is essential to protect the health and optimize the performance of Sailors and Marines." The Background section says: "The Department of the Navy supports human subject research to develop, test, and evaluate warfighting systems, casualty-care and personnel-protection systems, clothing and devices, and vaccines and drugs for disease prevention and treatment."

The instruction emphasizes that human research protections is an important command issue at all levels. "Support from all echelons is required to maintain the highest standards of research conduct and to provide for the ethical treatment and well-being of human research subjects." It outlines the responsibilities of the Navy SG, command leadership, DON-supported extramural performers and performance

sites, Naval IRB chairs and members, and principal investigators in the protection of human research subjects.

The signing of 3900.39D introduces a forthright and unambiguous Navy policy to protect human subjects. Now is the time to make it work.

A .pdf file of SECNAVINST 3900.39D can be accessed through the DON HRPP web site at <http://navymedicine.med.navy.mil/humanresearch/> (on the References page) or the Department of the Navy Issuances web site at <http://neds.daps.dla.mil/> (click on SECNAV in the Instructions dropdown menu, then click on 03000 Naval Operations and Readiness, then 03-900 RDT&E Services).

Also in this Issue:

Special Coverage of DoD Training Day

- ***Mateczun: Need to Reach Out***
- ***Villasante: Policy Overview***
- ***Singer: "Let's Find a Way"***
- ***Deniston: "Are You Engaged?"***

DoD Training Day

First-Ever DoD Training Day A Hit

Senior officials and staff members of the Human Research Protection Programs (HRPP) of all the services and the Office of the Director, Defense Research & Engineering (DDR&E) met in Washington, D.C., in mid-November for the first-annual DoD HRPP Training Day.

The event, organized by a working group under DDR&E, brought together more than 400 HRPP staffers, investigators, and IRB members to discuss HRP programs and progress, and to look at potential future initiatives to enhance the services' effectiveness in protecting human subjects.

Dr. Robert Foster, Director for BioSystems for DDR&E, welcomed the participants, noting that the services and DoD, working together, had achieved considerable progress in articulating the urgency of the mission of protecting subjects in defense research. He introduced Jay Winchester, a Department of the Army attorney, who reflected on the DoD's early efforts to build credible HRPP policies, using the foundation of the Nuremberg Code and the basic ethical principles defined in the Belmont Report: respect for persons, beneficence, and justice.

A panel discussion on the topic, "HRPP: Where You Stand Depends on Where You Sit," explored the com-

plexities of determining what measures are appropriate and necessary to ensure that the safety and welfare of human subjects is protected. Panelists presented their perspectives in reviewing a new research protocol through role playing as an investigator, IRB chairperson, IRB member, institutional official, and a headquarters-level reviewer. They also commented on a "what went wrong scenario" from the same research protocol.

Army Surgeon General Lt. Gen. Kevin Kiley; Rear Adm. John Mateczun, Deputy Surgeon General of the Navy; Lt. Gen. James Roudebush, Surgeon General of the Air Force; and Ms. Ellen Embrey, of the Office of the Under Secretary of Defense for Personnel and Readiness each provided leadership perspective on the perennial challenges of the "3Cs: Communication, Cooperation, and Collaboration."

Navy, Army, and Air Force HRPP leaders briefed their programs at separate service breakout sessions that gave staffers the opportunity to ask service-specific questions. Subject-matter experts from all of the services also provided informative and wide-ranging briefings on international research, and social and behavioral research.

DoD Training Day

Deputy SG: "We Have to Reach Out"

Deputy Surgeon General Rear Adm. John Mateczun, speaking at the DoD Human Research Protection Program (HRPP) Training Day on November 14, told listeners that it's necessary to "communicate, coordinate, and cooperate" in order to implement workable policies on human subject research.

Mateczun said that the services "face a mandate to do whatever we can to take care of our people."

"A lot of the work [in human research protection] is process work that is defined in regulations and statutes," he said. "But there are challenges in everything we do—we can't be paralyzed by process as we try to move forward and do the right thing. We have to communicate, coordinate, cooperate, and compromise

where appropriate—we have to reach out."

Mateczun said that the Navy and the Army are working together on a number of human research protection projects. For example, the two services are combining Army and Navy expertise in conducting "pre-reviews" of some protocols, to avoid duplication of effort.

He reminded his listeners of the planned merger of Walter Reed Army Medical Center and the National Naval Medical Center, now set for 2011. "We need to think about that and take a look at best practices, and figure out how we're going to work on clinical investigations, which have their own challenges," he said.

Mateczun noted that the Navy's three medical cen-

(Continued on page 7)

DoD Training Day

Villasante Spells Out Navy HRPP Policy

DON HRPP director Capt. Eileen Villasante, speaking at the DoD Human Research Protection Training Day on November 14, said that the Navy's new instruction, SECNAVINST 3900.39D, reflects the national standard and broader responsibilities for human research protections.

The instruction, signed by Secretary of the Navy Donald C. Winter on November 6 (see page 1), designates the Navy Surgeon General as the single point of accountability for human research protections.

Villasante added that the instruction also defines certain responsibilities for the Under Secretary of the Navy and the SECNAV. "The Under Secretary serves as approval authority for research involving severe or unusual physical or psychological intrusions, prisoners, and potentially or inherently controversial topics. Research with prisoners of war or "detainees" is prohibited," she said.

She pointed out that in accordance with DoD Directive 3216.2, the Under Secretary forwards for final determination to the Director, Defense Research & Engineering (a) research involving exposure of human subjects to the effects of nuclear, biological or chemical warfare; and (b) research protocols that would require action by a DHHS official under 45 CFR 46.

"In addition, the UNSECNAV forwards all classified research to the Secretary of Defense, via DDR&E, for approval," Villasante said.

Under the new policy, the SECNAV is the approval authority for all research protocols involving waivers of informed consent requirements; granting of exceptions from informed consent requirements for emergency medical research; and waiver of requirements of Navy policy.

Villasante told her listeners that the new instruction also outlines clearly each command's responsibility to meet the requirements for an Assurance, scientific review, and IRB requirements for reviewing and monitoring research. She added that commands must ensure that there's an independent scientific review of research prior to the IRB review. "The IRB cannot conduct both the scientific and ethical review—they're separate," she said.

"Commands also must address the treatment and follow-up of research-related injury, and negotiate agree-

ments in collaborative research or IRB review." She pointed out, though, that the SG reviews and approves agreements prior to assigning IRB review to other institutions.

Villasante explained that commands must review any allegations of non-compliance with human research protection and any allegations of research misconduct.



Captain Eileen Villasante, Director, DON HRPP and Captain Brian Monahan, USUHS, Bethesda, Md.

"Among other changes in 3900.39D, she said, is a stipulation that superiors shall not influence subordinates' decisions to participate in research, regardless of the risk level. For survey research, a review by the Navy Survey Approval Authority may be required for surveys executed across commands."

She explained that the new instruction also clarifies requirements for Navy-supported extramural research, and provides new guidance on research involving investigational drugs, devices, and biologics.

The new SECNAVINST clearly defines requirements for reporting unanticipated problems, serious adverse events, or any non-compliance or research misconduct, she said. "The instruction clarifies IRB membership requirements and defines the principal investigator.

In response to a DoD-wide initiative to raise awareness of and improve compliance with human research protections, the new SECNAVINST requires all personnel involved in reviewing, approving, supporting, conducting, managing, or overseeing human subject

(Continued on page 5)

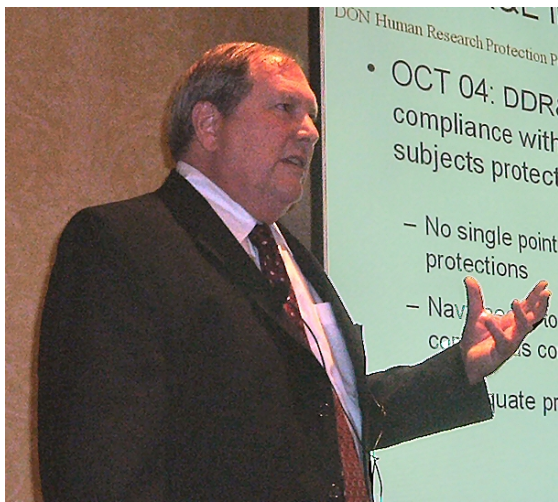
DoD Training Day

Singer Describes HRPP Challenges: “Find a Way”

Dr. Timothy Singer, director of the Research Protections Division at the Office of Naval Research (ONR), briefed the history and highlights of the Navy’s human research protection program (DON HRPP) to an audience of HRPP professionals at the DoD Training Day, held in Washington on November 14.

Singer pointed out that historically “many Navy leaders have believed that research involving human subjects was solely a medical issue. However, much of the Navy’s warfighting capability is based on research in such areas as protective clothing and devices, life support equipment, and human-systems integration, which has involved human subjects.”

He said that approximately 1,200 Navy research protocols are affiliated with or support the Navy Medical Department’s Clinical Investigation Program; about 100 more are associated with medical research laboratories. ONR, he added, funds another 100 protocols conducted at universities and medical centers, and roughly 100 are funded and/or conducted by the Navy’s Systems Commands (SYSCOMs), operational forces, and training commands.



Dr. Tim Singer, Director, Research Protections Division, ONR

He cited a number of instances in recent years in which research programs at prestigious universities have been suspended because of non-compliance with human subject research directives, regulations, and instructions. The Navy and the other military services and several non-defense federal agencies have experienced instances of non-compliance as well.

Singer told his listeners that the Director, Defense Research & Engineering (DDR&E), after conducting a survey of the human research protection programs of the military services and DoD agencies in 2004, determined that the programs needed to be updated to comply with federal regulations and DoD directives, including DoD directive 3216.2, which provides DoD policy on human research protection.

In April 2005, he said, the Under Secretary of the Navy designated the Surgeon General as the single point of accountability for human research protections. The Chief of Naval Research, assisting the SG, provides expertise and support to the DON HRPP for the SYSCOMs, operational forces, training commands, and at such “extramural” research sites as universities and private companies. CNR stood up the Research Protections Division in August 2005.

Meanwhile, Singer said, the DON HRPP team drafted a new Navy instruction, SECNAVINST 3900.39D, that provides updated policy and guidance.

Singer stressed that the new instruction stipulates that only the Surgeon General can approve Assurances for human subject research. All Navy activities that conduct human research must apply to the DON HRPP for an Assurance. Non-Navy extramural institutions conducting or collaborating in Navy-supported human research usually have a Federalwide Assurance (FWA), which they obtain through the Office for Human Research Protections in the Department of Health & Human Services. In addition to the FWA, extramural institutions must provide written assurance that they will comply with DoD and DON regulations for human research protections. This is accomplished through the DoD-Navy Addendum to the FWA, which is obtained from the Navy SG.

He pointed out that the revised instruction mandates new measures in the areas of scientific review, informed consent, and the provision for medical monitors on research involving greater than minimal risk, adding that the Navy also will require research performers to make arrangements to provide for care and treatment of injuries to subjects who participate in DON-supported research.

“Some research performers are saying, understanda-

(Continued on page 5)

Singer Describes HRPP Challenges: “Find a Way”

(Continued from page 4)

bly, that providing these additional safeguards will require additional funding in the areas of indirect and direct costs. We have to work out new contract language to address these changes.”

Singer told his listeners that the new Navy HRPP policy will require compliance through the contracting and grants-award process. “Contracts will not be considered sufficient until Navy organizations awarding them ensure that the requirements of DoDD 3216.2 will be honored. That’s where the rubber meets the road,” he said. “These are not just idealistic notions or ‘nice-to-haves’—we’re enforcing important human research protections through the terms of DON-sponsored grants, contracts, and other agreements.”

Singer said that “If anything has characterized our new program, it’s the now-routine weekly surprise,” as new research activities and projects involving human

subjects come to light. He noted, for example, that when the DON HRPP team first stood up, it learned that the Naval Sea Systems Command sponsored work at four Human Performance Centers (HPCs). “Within two months, we discovered that we were actually responsible for the oversight of work at 35 HPCs!”

“What is unsettling is that we may not yet know about all the human research work being done out there,” he said, “but we hope to identify this work through an ALNAV/ALMAR communication with the Fleet/Force.”

Singer stressed that the DON HRPP “wants to see research continue, and not to have mission-critical work inhibited by the requirement to comply with more rigorous human research protections. We are seriously embracing the approach that says, ‘find a way to get human research conducted properly,’ instead of ‘it can’t be done,’” he said.

Villasante Spells Out Navy HRPP Policy

(Continued from page 3)

research to complete training in research ethics and human subject protections. A new DON HRPP education and training policy provides the details of how commands and personnel can meet the new DoD and Navy requirements.

Discussing the new education and training policy, the DON HRPP director said that Navy commands can meet new requirements for human subject research training by choosing between in-house programs or a new set of web-based training modules designed by the Collaborative Institutional Training Initiative (CITI). Recognizing that “one size does not fit all,” commands are encouraged to supplement the CITI training with annual education and training specific to their needs.

She said that the CITI program, available at www.citiprogram.org, provides training for 22 individual “learner groups,” ranging from senior and command leadership to research support positions. The CITI program is oriented to biomedical and social-behavioral research.

Villasante told her listeners that the DON HRPP re-

quires one to six hours of initial training, dependent on an individual’s roles and responsibilities in research, and three to six hours of continuing training every three years. Individuals who serve in more than one position must complete the training for the position with the most comprehensive requirements. For example, principal investigators (PIs) who also are members of IRBs must complete the IRB requirements. Scientific reviewers who also serve as PIs must complete the PI training modules.

The DON HRPP director said that her staff is developing a handbook that will provide detailed “how-to” guidance on every aspect of the program. DON HRPP outreach efforts include new and continuously updated websites (official DON HRPP site: <http://navymedicine.med.navy.mil/humanresearch/>; Office of Naval Research Protections Division: http://www.onr.navy.mil/sci_tech/34/343/), and a monthly newsletter, *Research Protections Update*, which is transmitted electronically to readers, and is available on both the Navy Medicine and ONR websites.

DoD Training Day

Deniston: “Are You Engaged in Research?”

Lt. Cdr. William Deniston, deputy director for the Research Protections Division of the Office of Naval Research, told listeners at DoD Training Day that the phrase “engaged in research” represents a set of clearly defined circumstances that imposes important requirements on researchers and institutions.

He pointed out that for the DON HRPP, “human subjects” are “living individuals about whom an investigator conducting research obtains data through intervention or interaction, or through the use of identifiable private information.”

He explained that an institution is “engaged” in human subject research when its agents “intervene or interact with living individuals or obtain individually identifiable information.” For example, he said, an institution is “engaged” if it unilaterally does every aspect of the work—collecting and analyzing data, writing it up, and publishing it.

However, institutions and researchers may be “involved” in research but not “engaged” if their role falls short of active participation in any aspect of the work. For example, an institution is involved, rather than engaged when its role is limited to its staff acting as consultants for the work, without access to or receiving or possessing privately identifiable information.

“You’re involved, but not engaged,” he said, “when your role is limited to your staff performing genuinely non-collaborative services that do not merit professional recognition or publication, and comply with privacy and confidentiality statutes.”

An institution whose staff informs prospective subjects about the availability of research projects, but does not encourage them to participate is involved, not engaged. He said that if researchers are using base facilities for research, it’s necessary to look at the extent of their work to determine whether the institution is engaged or involved.

“Being involved, but not engaged in research means being in a supporting role, such as providing facilities. But even if your institution is not engaged, other institutions may be engaged in research—if human subjects research is being conducted, at least one institution is engaged.

“It’s important to ask questions to determine if

you’re engaged or only involved,” he said. “What is your institution’s role in the research? Are you providing people, resources, funds, or some other type of support? What are your institution’s responsibilities for the design and conduct of the research?”

Deniston cautioned his listeners, though, that even though an institution may not be engaged in research, it may be involved, and it’s advisable that the Commanding Officer or Institutional Official ensure that the research to be conducted meets all the HRP requirements.



*Lt. Cdr. William Deniston, Deputy Director,
Research Protections Division, ONR*

He continued that when an institution is engaged, it is fully responsible for human subject protections.

“You’re engaged in research when your institution’s staff intervenes with living individuals by performing invasive or non-invasive research procedures, or when the staff intervenes with a living individual by manipulating the environment for research purposes. An institution also is engaged when its staff interacts with a living individual to conduct research and obtains informed consent.”

In another example, he said, “you’re engaged when the institution’s staff obtains, receives, or possesses individually identifiable private information for research, purposes.

Deniston emphasized that an institution that seeks to engage in research must: (1) ensure that its staff meets training requirements; (2) ensure that it has an Assurance, which is a promise to follow federal and DoD regulations; (3) obtain approval of the research from an

(Continued on page 7)

Deniston: “Are You Engaged in Research?”

(Continued from page 6)

Institutional Review Board and from the commander or Institutional Official; and (4) obtain informed consent from subjects or a waiver of informed consent.

“The institution is responsible for monitoring and oversight of the research.”

Deniston told his listeners that the DoD Harmonization Group, which is developing common practices and procedures for the DoD components, currently is developing guidance on engagement of institutions in human subjects research.

Deputy SG: “We Have to Reach Out”

(Continued from page 2)

ters, in San Diego, Calif., Portsmouth, Va., and Bethesda, Md., rely on an Army Institutional Review Board (IRB) for HIV repository research under a tri-service memorandum of understanding. The Navy and the Army also are working together to achieve consensus on handling research in Iraq, possibly through a joint Assurance that would enable the two services to collaborate on research.



Rear Admiral John Mateczun, Deputy Surgeon General

“The Navy leverages partnerships, not just within DoD but also outside DoD, to help move products from test to development,” he said. He cited the successful fielding of Quik-Clot, a highly effective ad-

vanced wound dressing now carried in the first-aid pack of every Marine deployed in Iraq.

The deputy SG pointed out also that the Navy’s HRPP has developed a Navy Addendum to the Federalwide Assurance (FWA) that enables the Navy’s extramural research partners to conduct human subject research without the DoD-Navy Assurance that now is required for Navy commands. The Addendum outlines the additional Navy requirements that must be met by institutions conducting research with human subjects.

International research is another key area, Mateczun said. He noted that some foreign governments are very sensitive about the potential use of data Navy researchers may develop. “We have to respect that, by having host country representation in our processes and ensuring we accommodate their interests,” he added.

In the area of training, he said that DON HRPP will provide web-based HRPP training to meet training requirements for all human research personnel [through the Collaborative Institutional Training Initiative, www.citiprogram.org]. “We’re taking our responsibilities seriously to make sure our leadership is educated,” he said.

“We have to look out for the sailors, Marines, airmen, and soldiers who are depending on us to ... develop products ... so that ... on the tip of the spear we’ve got the best we can have,” Mateczun said.